

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06cv131**

**VIRGINIA GREELEY, executrix of the  
Estate of Paul J. Greeley; and VIRGINIA  
GREELEY,**

**Plaintiffs,**

**Vs.**

**AUTO-OWNERS INSURANCE CO., a  
Michigan Corporation,**

**Defendant and  
Third-Party Plaintiff,**

**Vs.**

**BLACKWELL CONSTRUCTION, INC.,  
a South Carolina Corporation; JERRY  
BLACKWELL, and wife, SANDRA  
BLACKWELL,**

**Third-Party Defendants.**

**ORDER**

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**THIS MATTER** is before the court on Boyd B. Massagee, Jr.'s Motion to Be Released as Attorney of Record. For cause, Mr. Massagee has shown that his clients have requested such withdrawal and instructed him to perform no more legal services on their behalf. Such motion will, therefore, be allowed.

Mrs. and Mr. Blackwell are, respectfully, advised that they are now proceeding *pro se*, which means that they are entirely responsible for their own legal representation in this matter. The Blackwells are advised that because they were served with a third-party Complaint in this action and failed to answer or otherwise

respond within the time allowed by law, a default was entered against them. Thus, they are presently in “default,” and are subject to entry of a default judgment. The Blackwells are strongly encouraged to retain substitute legal counsel as valuable legal rights may be lost.

Finally, on August 7, 2007, Third-Party Petitioners filed a status report indicating that they would seek a default and that the action was now ripe for conducting a Rule 26(f) conference of the parties. Such a conference should, however, have been conducted within 14 days of such date, and the report is now 30 days past due. As a result the court will set a show cause hearing at which the court will discuss with counsel and the parties that failure to submit such report, an appropriate sanction, and the entry of a Pretrial Order providing for the prompt disposition of this case.

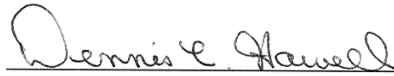
### **ORDER**

**IT IS, THEREFORE, ORDERED** that Boyd B. Massagee, Jr.’s Motion to Be Released as Attorney of Record (#40) for Mrs. and Mr. Blackwell is **GRANTED**, and Mr. Massagee is **RELIEVED** from further representation of such third party respondents in this matter.

**IT IS FURTHER ORDERED** that a **SHOW CAUSE HEARING** is calendared for Thursday, October 4, 2007, at 12 noon, in Asheville, at which time the parties shall explain to the court why no Certificate of Initial Attorneys Conference was filed, discuss an appropriate sanction, and discuss the entry of a Pretrial Order

providing for the prompt resolution of this case. The Blackwells are advised that they may attend such hearing even though they are in default.

Signed: September 26, 2007

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Dennis L. Howell  
United States Magistrate Judge

